

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

January 15, 2015



Planning Variance PV 15-01: Red Dog Investments & Kyle Grant

CASE DESCRIPTION: a request for approval of a variance from the minimum 50-foot lot width required on lots in Residential District – 5000 (RD-5) zoning districts in Bryan, to allow the creation of three new lots which are proposed to have lot widths of only 46.8 feet, 46.8 feet, and 49.48 feet, respectively

LOCATION: 0.4812 acres of land adjoining the southwest side of Nagle Street across from its intersection with Foch Street and currently addressed as 4336 and 4440 Nagle Street, being Lots 2 and 3 in Block 4 of the Revised Oak Terrace Addition and a portion of an abandoned alley in Block 9A of the Highland Park Addition

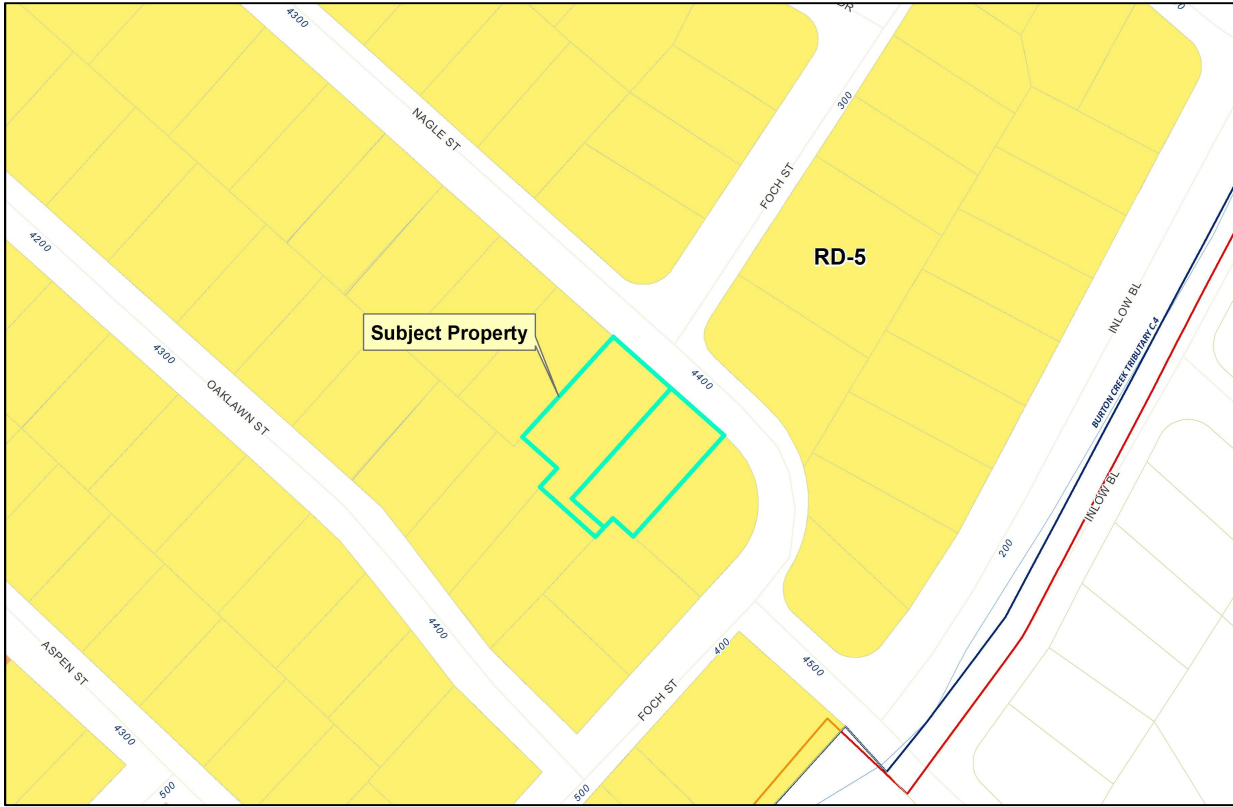
ZONING: Residential District – 5000 (RD-5)

EXISTING LAND USE: vacant acreage

APPLICANT(S): Kyle Grant, owner Red Dog Investments & Fairview Acquisitions, LLC.

STAFF CONTACT: Matthew Hilgemeier, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this requested variance.

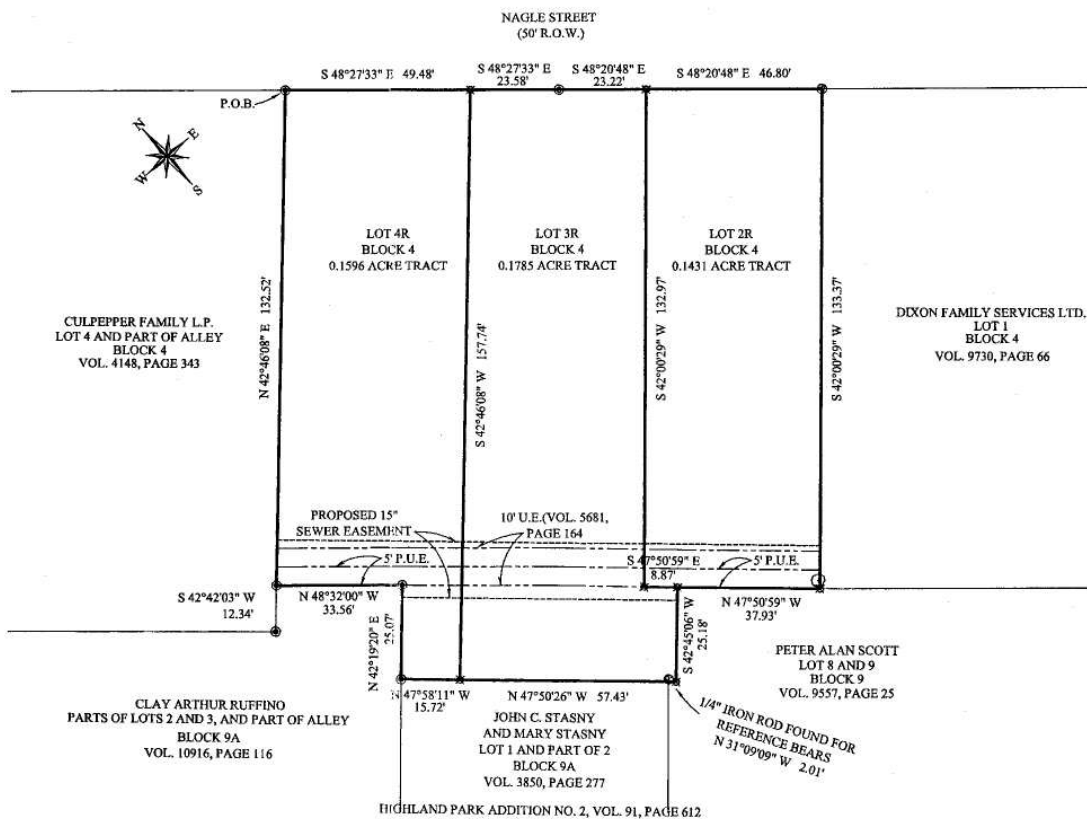


BACKGROUND:

The applicant, Kyle Grant of Red Dog Investments and Fairview Acquisitions, is requesting a variance from the minimum 50-foot lot width that is generally required for lots zoned Residential District – 5000 (RD-5). The applicant is proposing to replat two lots into three new lots for single-family residential development. The corresponding replat to this variance request (case no. RP14-29) is also scheduled for consideration by the Planning and Zoning Commission during its January 15th, 2015 meeting. Proposed Lots 2R, 3R, and 4R shown on that replat are proposed to have lot widths of only 49.48 feet, 46.80 feet, and 46.80, respectively. All lots will have a lot area of greater than the minimum required 5,000 square feet (6,952, 7,775 and 6,233 square feet, respectively). Approval of proposed replat (RP14-29) is contingent upon approval of this lot width variance request.

At this time, there are two single-family structures located on the existing lots. The structure located at 4336 Nagle (Lot 4R of the proposed replat) will remain in place if the proposed replat is approved. The structure located on the lot currently addressed as 4400 Nagle is proposed to be demolished and the applicant proposes to construct new single-family residential structures on the newly created lots.

DETAIL OF REPLAT DRAWING:



REPLAT

COMPREHENSIVE PLAN:

The City of Bryan adopted the Comprehensive Plan Update in 2007. The plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this variance request:

Land Use Issues

- **Housing** – the availability of housing in various markets was a concern for many citizens. The concerns were divided along two lines. The first was for affordable housing for lower income residents. Demand far outstrips supply. The clustering of this type of construction in one or two areas was also viewed as potentially detrimental. The second concern was the lack of middle-market housing. Some fear that this market has been ceded to College Station and that the lack of new construction will have a negative impact on BISD.

Use-Specific Land Use Policies

- **Low Density Residential** land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre. These uses should be located in areas that are:
 - Accessible to collector and arterial streets, but directly access only local streets; and
 - Not adjacent to major arterials and freeways without adequate buffering and access management

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum lot width standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200 foot radius);

Minimum lot width requirements are intended to help ensure that all lots created for development are of sufficient size and shape to facilitate development. In this particular case, the new lots are proposed to be as few as 49.48 feet, 46.80, and 46.80 feet wide, respectively, and at least 132 feet in depth. The applicant has requested a variance from the minimum lot width requirements for subject property in order to subdivide two lots into three lots for the purpose of creating one additional single-family residential homesite. Staff contends that the three lots are proposed to be only slightly narrower (0.5 feet to 3.2 feet) than minimally required and that their extraordinary depth (130+ feet) and overall lot area (6,200+ feet) will offset any ill effects that may be caused by the proposed lot width reduction. Staff believes that approval of the requested variance no detrimental effect on the public health, safety or welfare of other properties in the area.

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property and;

Staff contends that approval of the requested variance will have no detrimental effect on the public health, safety or welfare of properties abutting the subject property and still allow for reasonable single-family residential development on the three lots that are proposed to be created. Approving the requested variance will allow the creation of a three new lots, which will be larger in size than the minimum required 5,000 square feet (6,952, 7,775 and 6,233 square feet, respectively). Staff believes that while the new lots will have lot widths that are less than the minimum requirement, this will be offset by the larger lot sizes.

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

Approval of this lot width variance will allow the creation of three lots of usable size and shape for modern single-family residential development. Staff believes that if the variance were granted, the intent of the ordinance will still be observed.

RECOMMENDATION:

Staff recommends **approving** this requested variance.